

REMARKS

Applicant's claims 1-14 are currently pending. All pending claims have been rejected in the Office Action of November 21, 2006. More specifically, claims 1-11, 13 and 14 stand rejected under 35 USC 102(e) as anticipated by US 2003/0064758 to Mizuta et al. Claim 12 stands rejected under 35 USC 103(a) as unpatentable over Mizuta et al. in view of US Patent No. 5,493,690 to Shimazaki and further in view of US Patent No. 6,094,565 to Alberth et al. In view of the amendments and remarks herein, Applicant respectfully submits that the rejection of claims 1-14 have been overcome and those claims, as amended, are allowable of the prior art of record.

The problem to be solved by the claimed invention is the erroneous operation caused when opening or closing the housings of the portable terminal unit. To that end, the portable terminal unit of the present invention has a structure in which a main operation section is hidden by the housings in the closed state, and when bringing the portable terminal unit from the closed state to the opened state, transition is made while a display section is exposed outside. That is, when bringing the portable terminal unit from the closed state to the opened state, force is applied by a finger to, for example, a side surface portion of the housings so as to make a coupling section work, in comparison with the folding-type portable terminal unit.

In this case, since key buttons are configured to be relatively large for operability although the recent portable terminal unit is becoming miniaturized, an auxiliary operation section tends to be pressed when opening or closing the housings by a finger. The present invention has this specific advantage that the above erroneous operation is prevented.

The main basis of the Examiner for rejecting the claims is the teaching of US 2003/0064758 (Mizuta et al.) as shown in Figure 13B and described in paragraphs 0150-0157.

Figure 13B shows a portable information terminal having a lower unit 100 and an upper unit 200. The upper unit 200 includes a display unit 202. As described in paragraph 0152, the upper unit 200 may be rotated with respect to the lower unit 100. As further described, the display 202 has a touch panel control that is made active or inactive dependent on the rotation of the upper unit 200. In this regard, paragraph 0153 explains:

According to the present embodiment, the control unit 109 is further provided with a touch panel controller 208, which performs a touch panel control such that the touch panel function of the display unit 202 is made active or inactive. When the touch panel controller 208 has detected movement of open/close rotation of the upper unit 200 and the lower unit 100, the touch panel controller 208 changes a touch panel function enabled area 202t of the display unit 202 depending on which one of a plurality of positions of the upper unit 200 and the lower unit 100 is currently taken. In other words, the touch panel controller 208 switches each portion of the full screen of the display unit 202 between active and inactive depending on a position of the upper unit 200 and the lower unit 100, which is one of a plurality of predetermined stop positions.

Thus, as explained in Mizuta et al., the display unit includes the touch panel that operates the auxiliary operation section, as identified by the Examiner. Claims 1 and 7, as amended, now make clear that the at least one key of the auxiliary section is located on a surface other than the display section, which is contrary to the device disclosed in Mizuta et al. Furthermore, in Mizuta et al., only an enable area of display touch panel is changed. Mizuta does not effectively prevent the erroneous operation when opening or closing the housings of the specific structure as described above. Shimazaki and Alberth et al. are equally unavailing in this regard.

The Examiner has also objected to the use of the words "openably" and "closably" as used in claim 1 and "rotatably" as used in claim 7. Applicant has amended claim 1 to address

the Examiner's objection. However, Applicant submits that the term "rotatably" is very common in US patents. Indeed, a quick search of the USPTO web site indicates that this term has been used in thousands of issued US patents. Thus, Applicant submits that there is ample evidence of the acceptable usage of "rotatably" in US patents that the rejection of claim 7 on this basis should be withdrawn.

Accordingly, Applicant requests that the Examiner reconsider these rejections in view of the amendments and the comments as set forth above and allow pending claims 1-14.

For at least the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

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